

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PLUMBERS LOCAL UNION NO. 16)
HEALTH AND WELFARE FUND,)
PLUMBERS LOCAL UNION NO. 16)
PENSION FUND, PLUMBERS LOCAL)
UNION NO. 16 JORNEYMEN AND)
APPRENTICESHIP TRAINING FUND,)
and PLUMBERS LOCAL UNION NO.)
16 VACATION FUND, BY THEIR)
TRUSTEES,)

Plaintiffs,

V.

J. W. GREENWOOD PLUMBING, INC.,)
)
Defendant.)

CASE NO. 8:08CV458

ORDER

This matter is before the Court on the Suggestion of Bankruptcy filed on December 9, 2008 (Filing No. 6). The Suggestion of Bankruptcy purports to be filed on behalf of “the Defendant, Joseph William Greenwood, Jr.” by the Attorney for the Defendant, Erin M. McCartney. The caption of the filing incorrectly identifies the Defendant as Joseph William Greenwood, Jr. The Defendant named in the Complaint filed by the Plaintiffs in this action is J.W. Greenwood Plumbing, Inc. The Court has confirmed through the PACER Service Center, <http://pacer.psc.uscourts.gov>, that Joseph William Greenwood, Jr., filed a Voluntary Petition for Bankruptcy under Chapter 7 of the Bankruptcy Code on December 4, 2008, in the Bankruptcy Court for the District of Nebraska, Case No. 08-83129. The Court is also aware that the debts and assets of J.W. Greenwood Plumbing, Inc., appear to be included in Mr. Greenwood’s Chapter 7 Bankruptcy Petition.¹ Mr. Greenwood may be an interested party in this matter but he is not the named Defendant. The Suggestion of Bankruptcy filed

¹In his bankruptcy petition, Mr. Greenwood identifies himself as the sole proprietor of J.W. Greenwood Plumbing, Inc.

in this matter mistakenly identifies Mr. Greenwood as the Defendant, and as such the Court shall strike the filing. The Court will allow the named Defendant, J.W. Greenwood Plumbing, Inc., or Mr. Greenwood, as an interested party, to file an Amended Suggestion of Bankruptcy with the parties correctly identified in both the caption and the body of the filing. Accordingly,

IT IS ORDERED:

1. The Clerk's Office shall strike the Suggestion of Bankruptcy (Filing No. 6);
2. An Amended Suggestion of Bankruptcy, on behalf of the Defendant or any interested party, shall be filed on or before December 30, 2008; and
3. The Clerk of the Court is directed to mail a copy of this order to the named Defendant at the address listed on the summons, and to Attorney Erin M. McCartney, counsel for Joseph William Greenwood.

DATED this 16th day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge